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Workers' Compensation Update: Predesignating a Medical Group

by Juliann Sum

If your employer offers group health coverage for medical conditions unrelated to work, you have a right to "predesignate" your regular doctor who is your personal physician. This means that you may be treated by this doctor for a job-related injury or illness if you notify your employer in writing before you are injured.

Legislation in 2006 and regulations adopted in February 2007 have expanded this right. As of January 1, 2007, workers who have the right to predesignate their regular doctor may also predesignate a medical group if the medical group meets certain criteria. The current requirements for predesignating are described on the next page.

This information updates page 13 of "Workers' Compensation in California: A Guidebook for Injured Workers, 3rd Edition, November 2006," available online at www.lohp.org (link to: Workers' compensation).

The laws governing the right to predesignate are in section 4600(d) of the California Labor Code. The regulations are in sections 9780 to 9783.1 of title 8 of the California Code of Regulations. To download the laws, go to www.leginfo.ca.gov (link to: California Law). To download the regulations, go to www.oal.ca.gov (link to: Cal. Code Regs.).

Juliann Sum is an attorney with the Labor Occupational Health Program, University of California at Berkeley. For more information about injured workers' rights and how to prevent job-related injuries and illnesses, go to www.lohp.org.

HOW TO PREDESIGNATE

To predesignate your personal physician (if you are eligible to do so), you must notify your employer in writing. You may prepare your own written statement, use optional DWC Form 9783 provided by the state Division of Workers' Compensation, or use a form provided by your employer. To download DWC Form 9783, go to: www.dir.ca.gov/dwc (link to: Forms). **Note:** If your employer or the insurer has a contract with a health care organization, you must use a different form, discussed on page 14 of "Workers' Compensation in California: A Guidebook for Injured Workers," which is available online at www.lohp.org (link to: Workers' compensation).

Make sure to include the following information:

1. Name of your employer
2. A statement that if you are hurt on the job, you designate your personal physician to provide medical care. Give the name, address, and phone number.
3. Your name
4. Your signature
5. Date

You can predesignate a doctor of medicine (M.D.) or doctor of osteopathy (D.O.) who treated you in the past and has your medical records. The doctor must be a general practitioner, internist, pediatrician, obstetrician-gynecologist, or family practitioner who is your primary care physician. You cannot predesignate your personal chiropractor or acupuncturist, but if you give your employer the name of your personal chiropractor or acupuncturist in writing before you are injured, you may switch to this chiropractor or acupuncturist upon request, after you first see a doctor chosen by a claims administrator (a person who handles workers' compensation claims for your employer).

You may also predesignate medical group if it meets the following criteria:

- \$ Is composed of licensed doctors of medicine (M.D.) or doctors of osteopathy (D.O.)
- \$ Offers and coordinates both primary care and care in other medical specialties
- \$ Mostly treats medical conditions that are unrelated to work.

The individual physician or medical group you predesignate must agree in advance to treat you for any job injuries and illnesses. The agreement must be documented, either by the physician, an employee of the physician, or an employee of the medical group signing the predesignation form, or by some other form of documentation. Include the documentation when you give your employer the predesignation form or statement.